

Serial No.: 10/666,680

**IN THE DRAWINGS**

Please find attached a replacement sheet for Figure 12. In particular, Figure 12 has been amended to change the reference numeral for the longitudinal dorsal incision from 128 to 150. Appropriate changes have also been made to the specification to reflect the changes in the drawings. Applicant submits that no new matter has been injected by way of these changes to the drawings.

## REMARKS

### I. Status Summary

Claims 1-42 are pending in the present application. Claims 31, 32, and 35-42 have been withdrawn. Claims 1, 3, 6, 8, 15, 17, 20, 22, 29, 33, 35, and 39 have been amended. Support for the amendments to claims 1, 15, 29, and 33 can be found throughout the figures and the specification. Reconsideration of the application and entry of the Amendment is respectfully requested.

### II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 2, 6, 7, 11-16, 20, 21, 25-30, 33, and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,702,470 to Menon.

Applicant respectfully submits that Menon does not disclose every element of the claims 1, 2, 6, 7, 11-16, 20, 21, 25-30, 33, and 34 and therefore cannot anticipate these claims under 35 U.S.C. §102(b).

II. A. Summary of Independent Claims 1, 15, 29 and 32 Rejected under 35 U.S.C. §

102(b)

Independent claim 1 recites a prosthetic wrist implant including a radial component having a base member with an upper bearing surface and lower surface having an elongated radial stem extending therefrom for fixation to a radius bone. Prosthetic wrist implant also includes a carpal component having a substantially planar base member with an upper surface having an elongated carpal post member for fixation to one or more carpal bones. The carpal component includes an outer edge and a lower surface with at least one socket protrusion extending therefrom. The prosthetic wrist implant further includes an articulating bearing component for placement between the radial and carpal components. The bearing component has an upper surface defining at least one socket recess and a lower bearing surface for cooperative engagement with an upper bearing surface of the radial component. A socket protrusion of the carpal component is configured for linearly engaging linearly engage the socket recess of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 15 recites a prosthetic wrist implant including a radial component having a base member having an upper bearing surface and lower surface having an elongated radial stem extending therefrom for fixation to a radius bone. The prosthetic wrist implant also includes a carpal component having a substantially planar base member with an upper surface with an elongated carpal post member for fixation to one or more carpal bones. The carpal component

includes an outer edge and a lower surface with a pair of socket protrusions extending therefrom. Each socket protrusion defines an opening therethrough adapted for receiving a screw. The prosthetic wrist implant further includes an articulating bearing component for placement between the radial and carpal components. The bearing component has an upper surface defining a pair of socket recesses. The bearing component also has a lower bearing surface for cooperative engagement with the upper bearing surface of the radial component. The pair of socket protrusions of the carpal component is configured for linearly engaging the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 29 recites a prosthetic wrist implant for implantation between a patient's radius bone and carpal bone complex. The prosthetic wrist implant includes a radial component including a base member having an upper bearing surface and a lower surface having an elongated radial stem extending therefrom that is implanted into a radius bone. The prosthetic wrist implant also includes a carpal component having a substantially planar base member with an upper surface having an elongated carpal post member that is implanted into the capitate bone of the carpal bone complex. The carpal component includes a lower surface with a pair of socket protrusions extending therefrom. Each socket protrusion defines an opening therethrough adapted for receiving a screw, so that a screw can be implanted into the trapezoid bone and another screw can be implanted into the hamate bone of the carpal bone complex. The prosthetic wrist implant further

includes an articulating bearing component for placement between the radial and carpal components. The bearing component has an upper surface defining a pair of socket recesses. The bearing component also has a lower bearing surface for cooperative engagement with the upper bearing surface of the radial component. The pair of socket protrusions of the carpal component is configured for linearly engaging the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 33 recites a prosthetic wrist implant system comprising a plurality of different sized radial components. Each radial component includes a base member having an upper bearing surface and a lower bearing surface having an elongated radial stem extending therefrom for fixation to a radius bone. The prosthetic wrist implant system also includes a plurality of different sized carpal components. Each carpal component includes a substantially planar base member having an upper surface with an elongated carpal post member for fixation to one or more carpal bones and a lower surface with at least one socket protrusion extending therefrom. The prosthetic wrist implant system further includes a plurality of different sized articulating bearing components for placement between correspondingly sized radial and carpal components. Each bearing component has an upper surface defining at least one socket recess and a lower bearing surface for cooperative engagement with the upper bearing surface of a correspondingly sized radial component. The socket protrusion of the selected carpal component is configured for

linearly engaging the socket recess of a correspondingly sized bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

II. B. Arguments Against the Rejection of the Claims based on 35 U.S.C. § 102(b)

Applicant respectfully submits that Menon does not anticipate independent claims 1, 15, 29, or 33 or the claims that depend therefrom. In particular, Menon does not disclose all the features of independent claims 1, 15, 29, and 33.

Menon discloses a prosthetic wrist implant that includes a radial implant **40**, a bearing component **42** and a carpal implant **44**. The bearing component **42** includes slots **104** with lip portions **106**. The carpal implant **44** includes locking tabs **72** and **74** that may be used to attach the carpal implant to carpal bearing component **42**. Each locking tab **72** and **74** includes a raised head portion **80** and **82**, respectively. The locking tabs **72** and **84** also include slots **84** and **86**, respectively. The raised head portions **80** and **82** and slots **84** and **86** are configured to slidably engage the slots **104** and lip portions **106** in the carpal bearing component **42**. A tab **88**, which is slightly raised, also slidably engages with a slot **100** in the carpal bearing component **42**. When installing the carpal bearing component **42** on the carpal implant **44**, the slots **104** engage with the raised tabs **72**, **74** as the carpal bearing component **42** is slid sideways over the carpal implant **44**. Likewise, tab **88** engages with tapered slot **100** to create increasingly strong pressure as the tab **88** slides up the ramp of tapered slot **100**.

Thus, as the Examiner notes in the Office Action of November 2, 2006, the carpal implant slidably engages the bearing component inward to secure the carpal implant to the carpal bearing component. Therefore, Menon not only does not minimize translational movement of the carpal implant relative to the bearing component, but it necessarily requires such translational movement through the sliding of the carpal component into the slots of the bearing component.

Claims 1, 15, 20, and 33 all recite that the pair of socket protrusions of the carpal component is adapted to linearly engage the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component. As stated above, Menon actually requires its raised tabs to slide in a translational movement to engage the bearing component to the carpal implant. Thus, Menon does not minimize translational movement of the carpal component relative to the bearing component.

For the above reasons, Applicant respectfully submits that Menon does not anticipate independent claims 1, 15, 29, or 33. Since claims 2, 6, 7, and 11-14 depend from claim 1, claims 16, 20, 21, and 25-28 depend from claim 15, claim 30 depends from claim 29, and claim 34 depends from claim 33, Applicant respectfully submits that claims 2, 6, 7, 11-14, 16, 20, 21, 25-28, 30, and 34 are also not anticipated by Menon. Applicant, therefore, respectfully requests that the rejection of claims 1, 2, 6, 7, 11-16, 20, 21, 25-30, 33, and 34 under 35 U.S.C. § 102(b) be withdrawn and the claims be allowed at this time.

### III. Claims Rejections under 35 U.S.C. § 103

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatenable over Menon and further in view of U.S. Patent Publication No. 2003/0216813 to Ball et al. (hereinafter "Ball").

#### III. A. Arguments Against The Rejections of the Claims based on 35 U.S.C. § 103

Applicant respectfully submits that Menon in view of Ball does not render independent claim 33 obvious. In particular, Menon and Ball, alone or in combination, do not disclose, teach, or suggest every feature recited in independent claim 33.

As discussed above, Menon does not disclose, teach, or suggest at least one socket protrusion of the carpal component that is adapted to linearly engage a socket recess of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component. In fact, Menon teaches an embodiment of a prosthetic wrist implant that necessitates translational movement in order to attach the carpal component to the bearing component. Thus, Menon teaches away from the prosthetic wrist implant system of independent claim 33. Ball discloses modularity of components and subcomponents of surgical implants. However, Ball does not disclose, teach, or suggest that carpal components being adapted to linearly engage socket recesses of bearing components to minimize



rotational and translational movement of the carpal component relative to the bearing component.

Thus, the combination of Menon in view of Ball does not render independent claim 33 obvious. Claim 34 depends from claim 33. Therefore, the combination of Menon in view of Ball also does not render claim 34 obvious. Accordingly, Applicant respectfully submits that the rejection of claims 33 and 34 under 35 U.S.C. § 103(a) be withdrawn.

#### IV. Allowable Subject Matter

Applicant appreciates the indication that claims 3-10 and 17-24 are allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. In response, claims 3, 6, 8, 17, 20 and 22 have been written into independent form and are now in condition for allowance. Claims 4 and 5 depend from claim 3, claim 7 depends from claim 6, and claims 9 and 10 depend from claim 8. Therefore, claims 4, 5, 7, 9, and 10 are also in condition for allowance. Similarly, claims 18 and 19 depend from claim 17, claim 21 depends from claim 20, and claims 23 and 24 depend from claim 22. Therefore, claims 18, 19, 21, 23, and 24 are also in condition for allowance.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

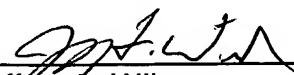
FEE DUE

A check in the amount of \$1,200.00 is enclosed for the fee due. The Commissioner is authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426 to avoid the unintentional abandonment of the instant application.

Respectfully submitted,

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Date: 2-2-07

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